

## **FITZGERALD LAW FIRM, S.C.**

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December 2, 2011

Honorable William E. Callahan, Jr.  
United States Magistrate Judge  
517 E. Wisconsin Avenue  
Milwaukee, WI 53202

Re: *United States v. Richard A. Kranitz*  
Case No. 11-MJ-00534

*United States v. James L. Prange*  
Case No. 11-MJ-00535

Dear Magistrate Judge Callahan:

I have received Mr. Giampietro's letter requesting a continuance of the preliminary hearing, set for December 6th, 2011, to December 22, 2011. On behalf of Mr. Kranitz, we object to the request.

Rule 5.1(c) provides that “[t]he magistrate judge must hold the preliminary hearing within a reasonable time,” but not later than twenty-one days from the initial appearance if the defendant is not in custody.

Although I understand that the preliminary hearing is often adjourned in anticipation of the return of an indictment by the grand jury, under the circumstances of this case it would not be unreasonable to require the government to conduct the preliminary hearing, as scheduled.

As the government has acknowledged, the charges result from an investigation that lasted approximately one year. The government apparently believed it was necessary to swiftly commence the adversary process, as evidenced by the custodial arrest of Mr. Kranitz at his home yesterday morning. This use of law enforcement and court resources in this district was deemed appropriate by the government, even though I had offered to produce Mr. Kranitz voluntarily in Boston for his initial appearance, should charges be filed against him.

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There has also been a fair amount of public comment by the government about the case in the last twenty-four hours, in the form of a press release, a press conference, and comments in today's Milwaukee Journal Sentinel.

Under these circumstances, it would be reasonable to require the government to conduct the next stage of the adversary process, the preliminary hearing, as scheduled on Tuesday.

I have discussed this objection with Mr. Prange's counsel, Craig Albee, and Mr. Albee has authorized me to state that they join in the objection.

Thank you for your consideration.

Sincerely,

FITZGERALD LAW FIRM, S.C.

s/Michael J. Fitzgerald  
Michael J. Fitzgerald

MJF/jmb

c:      Gordon Giampietro  
          Assistant United States Attorney

    Craig Albee  
    Assistant Federal Defender